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CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS,

Dallas Division

2020 JAN 29 PM 3:36

CASE NO.:

DEPUTY CLERK

OK

MEREDITH HARPER,

Plaintiff,

v.

3 - 20 CV - 0228 L

IDEAL IMAGE OF TEXAS, LLC,
RHONDA RAZ, ANDREA POTISKA,

Defendant.

Complaint

Meredith Harper ("Harper"), sues Ideal Image of Texas, LLC ("Ideal Image"), Rhonda Raz, and Andrea Potiska and in support, states as follows:

NATURE OF CASE

1. This is an action for unpaid overtime under the Fair Labor Standards Act, 29 U.S.C. §§ 201-216 ("FLSA").

JURISDICTION AND VENUE

2. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. 1331, 28 U.S.C. 1367, and 29 U.S.C. 216(b).

PARTIES

3. Harper is an individual and a citizen of the State of Texas residing in Dallas County, Texas.

4. Ideal Image is a for-profit corporation organized and existing under the laws of the State of Texas, with its principal place of business at 770 S Dixie Hwy Ste. 200 Coral Gables, FL 33146. Ideal Image operates multiple locations within the State of Texas.

5. Rhonda Raz ("Raz") is an individual and a citizen of the State of Texas. Raz was Harper's supervisor at Ideal Image in Texas.

6. Andrea Potiska ("Potiska") is an individual and a citizen of the State of Texas. Potiska was Harper's supervisor at Ideal Image in Texas.

FACTS

7. In or about July 2015, Harper began her employment with Ideal Image.

8. During Harper's employment with Ideal Image, Raz exercised significant control over Ideal Image's operations, including but not limited to the authority to hire and fire employees, determine compensation, control over employment-related records, and similar powers with respect to operational control of Ideal Image's day-to-day functions.

9. During Harper's employment with Ideal Image, Potiska exercised significant control over Ideal Image's operations, including but not limited to the authority to hire and fire employees, determine compensation, control over employment-related records, and similar powers with respect to operational control of Ideal Image's day-to-day functions.

10. During her employment, Harper regularly worked approximately 41 to 45 hours per work week, but was not compensated for a portion of this overtime, all with actual and/or constructive knowledge of Ideal Image, Raz and Potiska.

11. During her employment, Harper was not paid for a portion of this overtime.

COUNT I – FLSA UNPAID OVERTIME

12. Harper incorporates by reference, and as if fully restated herein, the allegations contained in Paragraphs 1-11 of the Complaint.

13. Ideal Image employs more than two individuals.

14. Ideal Image has an annual dollar volume of sales or business being done of at least \$500,000.

15. Ideal Image is subject to the FLSA.

16. During Harper's employment with Ideal Image, Ideal Image was her employer, as that term is defined by the FLSA.

17. During Harper's employment with Ideal Image, Raz and Potiska were each considered her employer, as that term is defined by the FLSA.

18. During Harper's employment, she regularly and routinely worked more than forty (40) hours per work week, and was not paid for any or all minimum wage or overtime as a result of unlawful pay practices, policies, and procedures.

19. Ideal Image, Raz and Potiska knew that Harper was not being compensated with respect to minimum wage or overtime.

20. Ideal Image, Raz and Potiska's failure to pay all owed minimum wage and overtime was intentional.

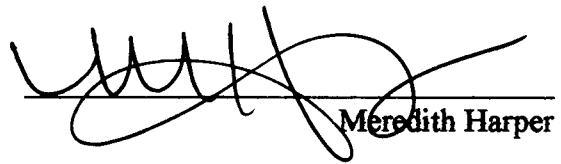
21. As a direct and legal consequence, Ideal Image, Raz and Potiska's failure to pay all minimum wage or any overtime, Harper has suffered damages.

WHEREFORE, Harper respectfully requests the following:

- a. Enter judgment in her favor for unpaid minimum wage and overtime under the FLSA;

- b. Award the full amount of any unpaid overtime, liquidated damages, and pre-judgment and post-judgment interest;
- c. Award attorneys' fees and costs; and
- d. Grant equitable relief declaring and mandating the cessation of the unlawful pay practices, policies and procedures; and
- e. Grant such other and further relief as this Court deems just and proper.

I hereby request a jury trial.



Meredith Harper

14332 Montfort Dr. #3305
Dallas, Tx. 75254

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFSMeredith Hamper(b) County of Residence of First Listed Plaintiff Dallas
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTSIdeal Image of Texas, LLC - Rhonda Paz, Andrea PotiskaCounty of Residence of First Listed Defendant Hillsboro County Florida
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

RECEIVED

JAN 29 2020

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

- | | | | | | |
|---|--|--|---|---|--|
| <input type="checkbox"/> 110 Insurance
<input type="checkbox"/> 120 Marine
<input type="checkbox"/> 130 Miller Act
<input type="checkbox"/> 140 Negotiable Instrument
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment
<input type="checkbox"/> 151 Medicare Act
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits
<input type="checkbox"/> 160 Stockholders' Suits
<input type="checkbox"/> 190 Other Contract
<input type="checkbox"/> 195 Contract Product Liability
<input type="checkbox"/> 196 Franchise | PERSONAL INJURY
<input type="checkbox"/> 310 Airplane
<input type="checkbox"/> 315 Airplane Product Liability
<input type="checkbox"/> 320 Assault, Libel & Slander
<input type="checkbox"/> 330 Federal Employers' Liability
<input type="checkbox"/> 340 Marine
<input type="checkbox"/> 345 Marine Product Liability
<input type="checkbox"/> 350 Motor Vehicle
<input type="checkbox"/> 355 Motor Vehicle Product Liability
<input type="checkbox"/> 360 Other Personal Injury
<input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY
<input type="checkbox"/> 365 Personal Injury - Product Liability
<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability
<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY
<input type="checkbox"/> 370 Other Fraud
<input type="checkbox"/> 371 Truth in Lending
<input type="checkbox"/> 380 Other Personal Property Damage
<input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881
<input type="checkbox"/> 690 Other
<input checked="" type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 720 Labor/Management Relations
<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 751 Family and Medical Leave Act
<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 422 Appeal 28 USC 158
<input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application
<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 210 Land Condemnation
<input type="checkbox"/> 220 Foreclosure
<input type="checkbox"/> 230 Rent Lease & Ejectment
<input type="checkbox"/> 240 Torts to Land
<input type="checkbox"/> 245 Tort Product Liability
<input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 440 Other Civil Rights
<input type="checkbox"/> 441 Voting
<input type="checkbox"/> 442 Employment
<input type="checkbox"/> 443 Housing/Accommodations
<input type="checkbox"/> 445 Amer. w/Disabilities - Employment
<input type="checkbox"/> 446 Amer. w/Disabilities - Other
<input type="checkbox"/> 448 Education | Habeas Corpus:
<input type="checkbox"/> 463 Alien Detainee
<input type="checkbox"/> 510 Motions to Vacate Sentence
<input type="checkbox"/> 530 General
<input type="checkbox"/> 535 Death Penalty
Other:
<input type="checkbox"/> 540 Mandamus & Other
<input type="checkbox"/> 550 Civil Rights
<input type="checkbox"/> 555 Prison Condition
<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | <input type="checkbox"/> 462 Naturalization Application
<input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 950 Constitutionality of State Statutes |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Fair Labor Standards Act
Brief description of cause: unpaid overtime/wages**VII. REQUESTED IN COMPLAINT:**☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

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